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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,782	09/05/2003	Steven J. Hammer	11067.00	8955
26884	7590	05/19/2005		
PAUL W. MARTIN			EXAMINER	
LAW DEPARTMENT, WHQ-4			LEE, DIANE I	
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DAYTON, OH 45479-0001			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/656,782	HAMMER, STEVEN J.
	Examiner	Art Unit
	D. I. Lee	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) 2-17, 22 and 23 is/are allowed.
- 6) Claim(s) 1 and 18-21 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-23 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wang et al. [US 6,292,285-referred as Wang].**

Re claims 1 and 18: Wang discloses a scanner, comprising:

a polygon 102 including generally planar walls arranged in a ring having a plurality of facets (e.g., upper facet surfaces 126 as first mirrored facets and lower facet surfaces 128 as second mirrored facets for example), each having inner walls facing generally towards a center of the ring (an axis of rotation 122) and outer walls facing generally away from the center of the ring 122 (see figures 1-7);

wherein the first and second mirrored facets direct a laser beam to produce a scan pattern (i.e., the outer walls of the upper facet surfaces 126 and lower facet surfaces 128 direct a laser beam to produce a scan pattern) (see col. 3, lines 22+ and figures 1-7).

Re claims 19-20: a generally top planar base and bottom planar base portion (i.e., top and bottom portions of the polygon, not specifically pointed out in the figure) coupled to each of the facets (see figures 1-7) and wherein the base portion is suitable for attachment to a motor for spinning the polygon (see col. 3, lines 58+);

Re claim 21: Figures 1-7 shows that the facets are oriented at obtuse angles to the base portion.

Allowable Subject Matter

4. Claims 2-17 and 22-23 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Wang, alone or in combination with other references, fails to teach or fairly suggest the scanner having a plurality of laser beams (i.e., a first and a second lasers) mounted inside the ring for producing a first and a second laser beams, a first collector mounted inside the ring for collecting the first light reflected from an item and a second collector mounted outside ring for collecting the second light reflected from the item, pattern mirrors such that the first and second mirrored facets direct the first and second laser beam towards the pattern mirrors and direct the first and second light towards the first and second collector, respectively, as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 2876

Thomas et al. [US 3,758,187], Katoh et al. [US 5,268,565], Harrigan et al. [US 5,867,298], Schonenberg et al. [US 5,689,102] discloses a scanner with a polygon including a different mirrored facets; and

Yoshihiro [JP 09-325,290] discloses a scanning device with a polygon mirror and a light source inside the polygon mirror for producing a beam.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is (571) 272-2399. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. I. Lee
Primary Examiner
Art Unit 2876

D. L.